

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DERRICK DUKES

* **CIVIL ACTION NO. 18-0433
SECTION P**

VERSUS

* **JUDGE ELIZABETH E. FOOTE**

**SHERIFFS OFFICE WEBSTER
PARISH, ET AL.**

* **MAG. JUDGE KAREN L. HAYES**

JUDGMENT

The Report and Recommendation of the Magistrate Judge having been considered [doc. # 44] along with the objections thereto [doc. # 47], and finding that the Report and Recommendation is supported by the law and the record in this matter,

IT IS ORDERED that Defendants' unopposed motion for summary judgment [doc. # 33] is **GRANTED**. Plaintiff's claims are **DISMISSED** without prejudice, but with prejudice for the purpose of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915.

The Magistrate Judge originally denied Plaintiff's motion to compel production of surveillance video without prejudice to being re-urged if this Court denied Defendants' exhaustion defense [doc. # 43]. In light of this Court's dismissal of Plaintiff's claims for failure to exhaust, **IT IS FURTHER ORDERED** that his motion to reconsider this Court's denial of his motion to compel [Record Document 45] is **DENIED AS MOOT**.

The Clerk of Court is instructed to close this case.

THUS DONE AND SIGNED this 25th day of Feb, 2019, in
Shreveport, Louisiana.



ELIZABETH E. FOOTE
UNITED STATES DISTRICT JUDGE